

# HUMAN TRAFFICKING



Robin Sax

[robin@robinsax.com](mailto:robin@robinsax.com)

310-650-6494



HUMAN TRAFFICKING  
IS  
MODERN DAY  
SLAVERY

# Terminology



- ❧ What is human trafficking?
- ❧ Connotations based on label of trafficking
- ❧ Different words/terminology for “same” issue
- ❧ Not a new issue but “new” terminology

# TWO ASPECTS OF TRAFFICKING



- ❧ Commercial sexual exploitation— forced prostitution
- ❧ Involuntary servitude-- slavery

# Domestic Minor Sex Trafficking



- ❧ DOMESTIC MINOR SEX TRAFFICKING (DMST)  
is the:
  - ❧ Commercial
  - ❧ Sexual exploitation
  - ❧ American children within American borders

# Trafficking Victims Protection Act of 2000



- ❧ Was passed October 28, 2000
- ❧ First FEDERAL law specifically intended to prevent victimization, protect victims, and prosecute perpetrators of human trafficking
- ❧ Referred to as TVPA



# TVPA criminalizes human trafficking and defines it as:



- ❧ 1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, OR in which the person induced to perform such an act has not attained 18 years of age;
- ❧ 2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

# The Crime-Sexual Exploitation

As defined by the federal  Trafficking Victims Protection Act:

- ❧ The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act
- ❧ Where commercial sex act is induced by force, fraud, or coercion
- ❧ In which the person induced to perform such act has not attained 18 years of age



# The Crime- Slavery



- ❧ The recruitment, harboring, transportation, provision, or obtaining and person for labor or services through the use of force, fraud, or coercion
- ❧ For the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

# Separating Exploitation from Other Crimes



- ❧ The key in trafficking is the COMMERCIAL aspect of exploitation
- ❧ What separates crime of trafficking from other sexual assault, rape, or molestation crimes against children is the COMMERCIAL ASPECT

# COMMERCIAL SEX ACT: WHAT IS COMMERCIAL?



- ❧ The GIVING or RECEIVING of anything of VALUE
  - money, drugs, shelter, food, clothes, etc.
- ❧ To ANY person in exchange for a sex act

# MISCONCEPTIONS



- ❧ The money or item of value can be given to ANYONE which means the child can be the direct recipient of the money, food, shelter, and/or shelter;
- ❧ Since recipient can be anyone (think homeless child as an example where a youth engages in “survival sex” for to secure food, shelter, transportation, etc. and there may NOT be a “trafficker” or pimp selling the child– in that case the PERP PAYING for the sex act with food, bed, or a ride can be the trafficker.

# Misconceptions (continued)



- ❧ Trafficking does NOT require proof of physical movement of the person
- ❧ If the victim is under 18, it is per se (by law) considered “severe form of trafficking” which means that there does NOT need to be proof of force, fraud, or coercion.

# Other Federal Laws Related to Trafficking



- ❧ 18 U.S.C. 2423 Transportation of a minor with intent for minor to engage in criminal sexual activity
- ❧ 18 U.S.C 2422 Coercion and enticement (transportation for prostitution or other criminal sexual activity)
- ❧ 18 U.S.C. 1591 Sex trafficking of children by force, fraud, or coercion
- ❧ 18 U.S.C. 2251 Sexual Exploitation of Children



# Other Federal Laws Related to Trafficking (cont'd)



- ❧ 18 U.S.C. 2251A Selling or buying of children
- ❧ 18 U.S.C. 2252 Certain activities related to material involving sexual exploitation of minors
- ❧ 18 U.S.C. 2252A Certain activities related to material constituting or containing child pornography
- ❧ 18 U.S.C. 1446A Obscene visual representations of sexual abuse of children

# THE RIGHTS OF THE VICTIM



- ❧ The right not to be detained in facilities inappropriate to their status as a crime victim
- ❧ The right to receive necessary medical care and other assistance
- ❧ The right to provided protection if a victim's safety is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker

# Who are the traffickers



- ❧ traffickers = pimps
- ❧ People who profit by receiving cash or some other benefit in exchange for the sexual use of a minor by another person
- ❧ “boyfriend” traffickers – calculated methodology where the trafficker establishes trust, develop a psychological and physical bond with the victim (securing allegiance) and then drastically changes into abuse, violence, and torture

# The Problem In the United States



- ❧ Assumption that this is an “overseas” crime. People think trafficking they think Cambodia, Thailand, overseas where business people are purchasing “consensual sex”
- ❧ American children are easy targets and carry less risk for buyers
- ❧ America is a major source for “sex targets” and therefore suppliers go where they need to meet the demand

# THE PROBLEM IN THE UNITED STATES (cont'd)



- ❧ The diversity of the buyers allows them easy to blend into the community and therefore difficult to identify.

# Justification by the “buyer”



- ❧ Buyers can be situational in that they believe, assume, or simply don't care if the prostitute is an adult or a minor
- ❧ Buyers justify the commercial sex in that the buyer believes that they are “helping” the victim by providing her income



# Why does trafficking exist?



- ❧ According to the United Nations, human trafficking is “the fastest-growing business of organized crime” and more profitable and less risky than drug trafficking.
- ❧ The sex trade is also a multi-billion dollar industry. UNICEF estimates that globally “approximately 1 million children enter the sex trade every year.”

# The “Business” of Trafficking



- ❧ Trafficking works according to the economic laws of supply and demand
- ❧ Evidence suggests that the supply is becoming younger in response to buyers' demands for youth due to perceptions of healthiness and vulnerability (DEMAND: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, and the United States- Shared Hope International, 2007)

# The Role of Technology



- ❧ Sense of anonymity online
- ❧ Distribution and production of child pornography easy and inexpensive
- ❧ People don't need to leave their homes to make and distribute child pornography online therefore more difficult to catch and easier to disseminate

# Problems in Understanding Human Trafficking



- ❧ 1. terminology
- ❧ 2. uniform lack of awareness due to how “victim” is treated and perceived
- ❧ 3. lack of uniform tracking of cases due to above
- ❧ 4. Most states don't use trafficking laws in prosecution rather the use states sexual assault laws or pimping and pandering laws as opposed to federal human trafficking laws

# Problems in Understanding Human Trafficking (cont'd)



- ❧ 5. The role of technology (internet and other advancements)